

NOMINATION OF JOHN SUDA

HEARING
BEFORE THE
COMMITTEE ON
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
NINETY-NINTH CONGRESS

SECOND SESSION

ON THE

NOMINATION OF JOHN SUDA TO BE AN ASSOCIATE JUDGE OF THE
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

JULY 24, 1986

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NOMINATION OF JOHN SUDA

THURSDAY, JULY 24, 1986

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:30 a.m., in room 301, Russell Senate Office Building, Hon. Charles McC. Mathias, Jr. (chairman of the subcommittee) presiding.

Present: Senator Mathias.

OPENING STATEMENT OF SENATOR MATHIAS

Senator MATHIAS. The committee will come to order. On June 26, President Reagan nominated John H. Suda of the District of Columbia to be an Associate Judge of the Superior Court of the District of Columbia for a term of 15 years.

I would like to thank the nominee, on behalf of the committee, for the cooperation that he has given to the committee and the committee staff during the investigative portion of this nomination process. The nomination has been the subject of very careful review.

In 1978, the committee adopted rule 8, which contains the requirements that must be met on all confirmations subject to committee evaluation. This rule requires that the committee conduct an inquiry into the nominee's experience, qualifications, integrity, and suitability to serve in the position for which he has been nominated.

The committee believes that this rule ensures a thorough and, at the same time, a reasonable review of a nominee's background and qualifications.

I would, at this point, state for the record the steps that have been taken on this nomination prior to the hearing today.

First, Mr. Suda was asked for and supplied very detailed information on his education, his employment, his professional achievements, as well as a complete financial statement. The financial statement and the biographical information are available for inspection by the public in the offices of the committee. In addition, the biographical information on the nominee will be placed in the record as a part of this hearing, and I so direct at this point.

[The information referred to follows:]

JOHN H. SUDA

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used.)
JOHN H. SUDA
2. Position to which nominated:
Judge of the Superior Court of the District of Columbia.
3. Date of nomination:
June 25, 1986
4. Address: (List current place of residence and office addresses.)
Home: 3209 Stephenson Place, N.W.
Washington, D.C. 20015

Office: Room 329
District Building
Washington, D.C. 20004
5. Date and place of birth:
January 22, 1940
Seymour, Connecticut
6. Marital status: (Include maiden name of wife or husband's name.)

Married - Spouse's maiden name - Marika Julie Enz.
7. Names and ages of children:

Kenneth John Suda - age 23
David M.K. Suda - age 7
Katarina Irene Suda - age 3
8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.

West Haven High School
West Haven, Connecticut
1953 - 1957 - High School Diploma, 1957

Columbia University
1957 - 1961, B.A., 1961

Columbia University Law School
1961 - 1964, LL.B., 1964

9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.

April, 1965 to Present

Office of the Corporation Counsel, D.C.
District Building
Washington, D.C. 20004

Positions held:

Acting Corporation Counsel, D.C., August, 1985 - present
Principal Deputy Corporation Counsel, 1983 - 1985
Deputy Corporation Counsel in Charge of the
Civil Division, 1980 - 1983
Chief, General Litigation Section, 1977 - 1980
Assistant Chief, Civil Division, 1976 - 1977
Staff Trial Attorney, Civil Division, 1966 - 1976
Staff Trial Attorney, Law Enforcement Division, 1965 - 1966

June, 1964 - April 1965

Associate in the law firm, Verner, Liipfert & Bernhard
1660 L Street, N.W.
Washington, D.C.

Part-time Student Employment:

September 1957 - September 1963 - Library Clerk in the
Columbia University Business Library, New York, New York

June, 1962 - September, 1962 - Library Clerk in the law firm
Hughes, Hubbard, Blair & Reed
Wall Street
New York, New York

June, 1961 - September, 1961 - Stock Clerk in Wine Center
(Mr. Bawlnick)
Broadway & 101 Street
New York, New York

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June, 1959 - September, 1959 - Caretaker of Kennel
Dog Farm (John Norback)
West Haven, Connecticut

February 1956 - September, 1957 - Stock Clerk in Feinson's
Department Store
West Haven, Connecticut

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

In 1983 and 1984, I lectured for the United States (Federal Emergency Management Agency) in Emmittsburg, Maryland. I performed this service without compensation. My lectures were presented to high level officials of various city governments, including Atlanta and Los Angeles. These lectures concerned the legal aspects of handling massive emergencies such as riots, floods, plane crashes, and violent demonstrations. The lectures were developed and presented by me in a program established by the Federal Emergency Management Agency.

In addition, from 1971 to 1973, I was an occasional guest lecturer at the Judge Advocate General's School, instructing classes of U.S. Army Attorneys on civil motion practice in Federal Courts.

11. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

None.

12. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

Member of the D.C. Bar Association.

13. Political affiliations and activities:

- (a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

- (b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None.

- (c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years.

None.

14. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

None.

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

I have not delivered any formal written speeches during the last five years. However, as indicated above, I have lectured for the United States Government (Federal Emergency Management Agency). In addition, over the last five years, I have made oral panel presentations on such issues as discovery - abuse in civil litigation, ethics, and the civil case backlog at the

annual Judicial Conference of the District of Columbia Courts. Furthermore, I have made panel presentations to the National Institute of Municipal Law Officers on Section 1983 lawsuits and federal grant conditions.

All of the above panel presentations and lectures were made extemporaneously without the use of any prepared speech.

17. Selection:

- (a) Do you know why you were chosen for this nomination by the President?

Pursuant to Section 434 of the District of Columbia Self-Government and Governmental Reorganization Act, the Judicial Nomination Commission timely submitted my name, along with two others, to the President of the United States for the purpose of filling one vacancy on the Superior Court of the District of Columbia. Of the three persons submitted by the Commission, the President decided to nominate me.

- (b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

Throughout the course of the last 21 years, I have litigated extensively and supervised other litigators appearing in the Federal and local District of Columbia Courts.

As Acting Corporation Counsel, I am the District of Columbia's chief legal officer, and I direct a staff of approximately 180 attorneys. I determine the District of Columbia's approach in all major litigation and I render legal advice to the Mayor, the City Administrator, and other officers of the District Government. In addition, in light of my experience, I continue to handle particularly significant civil litigation for the District on my own.

As Principal Deputy Corporation Counsel, the number two position in the Office, my main focus was to oversee the District's litigation, to direct the litigation divisions of this Office, and to formulate general litigation

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strategies. I was frequently consulted by the Mayor, the City Administrator and Department heads on the litigation ramifications of major governmental action. In addition, I still handled major civil litigation on my own. In the absence of the Corporation Counsel, I discharged all of the powers and responsibilities of her Office.

As the Deputy Corporation Counsel in charge of the Civil Division, I supervised twenty-six civil trial attorneys. During this period (1980 - 1983), the Civil Division handled all civil litigation for the District of Columbia and its officers and employees.

As Chief of the General Litigation Section (1977 - 1980), I supervised a staff of thirteen trial attorneys who represented the District of Columbia and its officials in all civil litigation filed against them, including personal injury actions, contract actions, constitutional litigation and a wide variety of suits for injunctive relief affecting all aspects of the District of Columbia Government.

Beginning in 1977, I have been generally responsible for the guidance of staff trial attorneys in their preparation of lawsuits for trial and their Courtroom techniques. I still maintain that general responsibility with intermediate supervisors discharging some of that responsibility directly for me.

Prior to 1976, as a staff trial attorney in the Civil Proceedings Division (now the General Litigation Section), I handled a wide range of civil litigation. My caseload always included numerous jury and nonjury cases, in all stages, in the United States District Court for the District of Columbia, the United States District Court for the Eastern District of Virginia and the local District of Columbia court system.

Finally, I believe that I am well qualified to be a judge of the Superior Court because I will continue to maintain a very high standard of personal and professional integrity, and I will continue to strive to be fair and just to all persons at all times.

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B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?
Yes.
2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.
No.
3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?
No.
4. Has anybody made a commitment to employ your services in any capacity after you leave government service?
No.
5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?
Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.
None.
2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

I have been an attorney for the District of Columbia Government

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for 21 years. The District of Columbia is a frequent litigator in the Superior Court of the District of Columbia. In addition, the mortgage on my home is held by the National Permanent Bank. I also have a savings account and a checking account with the National Permanent Bank. My spouse has a large savings account with the Perpetual American Bank.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

The Office of the Corporation Counsel, D.C. has frequently taken a position with respect to legislation pending before Congress if the legislation pertained to the District of Columbia. However, prior to becoming Acting Corporation Counsel, I was involved almost exclusively in the area of litigation in this Office, and I had very little, if anything, to do with the legislative activities of this Office. Since becoming Acting Corporation Counsel, I have testified (1) before the Subcommittee on Judiciary and Education of the House Committee on the District of Columbia on the "District of Columbia Prosecutorial and Judicial Efficiency Act of 1985," H.R. 3370, later to become the "Judicial Efficiency and Improvement Act of 1985," H.R. 3578 (Oct. 1, 1985), and (2) before the Senate Committee on Governmental Affairs on the "Judicial Efficiency and Improvement Act of 1985," H.R. 3578 and the "District of Columbia Jury System Act," H.R. 2946 (March 5, 1986). I am attaching for your consideration a copy of my prepared statement before the Senate Committee on these Acts. In addition, I am attaching a copy of my letter dated June 25, 1985 to Senator Charles McC. Mathias, Jr., concerning subsequent proposed revisions in one of these Acts.

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As Acting Corporation Counsel, I am the chief legal officer for the District of Columbia Government and as such, I continually affect the administration and execution of District of Columbia law and public policy both directly and indirectly. My Office conducts the defense and prosecution of major civil litigation, provides legal advice to the officials of the District of Columbia Government and conducts the criminal prosecution of juveniles and a myriad of adult misdemeanors in the Superior Court of the District of Columbia.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

I will not hear or rule on any civil case involving the District of Columbia Government (including any Landlord & Tenant or Tax matter) which was filed while I was in the Office of the Corporation Counsel. Additionally, I will refrain from sitting on any civil lawsuit involving the District of Columbia (including Landlord & Tenant and Tax matters) for a period of one year. Furthermore, I will refrain from sitting on any criminal matter prosecuted by the District of Columbia which is based on an arrest made prior to my resignation as Acting Corporation Counsel, D.C. Lastly, I will refrain from sitting on any child support matters received for filing by the Office of the Corporation Counsel prior to my resignation as Acting Corporation Counsel, D.C.

I will refrain from sitting on any matter in which the National Permanent Bank or the Perpetual American Bank are parties.

6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any legal impediments to your serving in this position?

Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No.

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2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

No. However, I have had two divorces:

- (1) An uncontested divorce entered on July 18, 1969 in the Second Judicial District of Nevada.
Nancy H. Suda v. John H. Suda, No. 254678,
Dept. No. 4.
- (2) An uncontested divorce entered on October 6, 1980, in the Superior Court of the District of Columbia, Family Division, Alexandra B. Keith v. John H. Suda, No. D-2498-80.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

None.

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SUPPLEMENT FOR D.C. JUDGE NOMINEES

F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970, SEC. 11-1501(b) OF THE D.C. CODE AS AMENDED

1. Are you a citizen of the United States.

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

Yes - 1965.

4. If the answer to No. 3 is "No" -

(a) Are you a professor of law in a law school in the District of Columbia?

(b) Are you an attorney employed in the District of Columbia by the United States or the District of Columbia?

(c) Have you been eligible for membership in the bar of the District of Columbia for at least 5 years?

(d) Upon what grounds is that eligibility based?

Not Applicable.

5. Are you a bona fide resident of the District of Columbia?

Yes.

6. Please state the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years.

3209 Stephenson Place, N.W.
Washington, D.C. 20015

12/23/80 to present

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7. Have you maintained an actual place of abode in such area for at least 5 years?

Yes.

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?

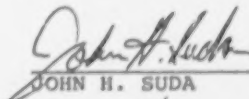
No.

9. Have you been a member of either Commission within the last 12 months?

No.

AFFIDAVIT

JOHN H. SUDA being duly sworn, hereby states that he has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his knowledge, current, accurate, and complete.


JOHN H. SUDA

Subscribed and sworn before me this 7th day of July, 1986.


NOTARY PUBLIC

Senator MATHIAS. The committee proceeded to review the nominee's biographical and financial information, as well as the report submitted to the Office of Judicial Ethics.

Following that, acting as chairman, I reviewed the FBI report on July 16, 1986, which was also reviewed by the ranking minority member, the Senator from Missouri, Mr. Eagleton.

Finally, Mr. Suda was individually interviewed by designated committee staff members, who then submitted a report to members of the committee, containing all of the relevant information concerning his qualifications for the position to which he has been nominated.

At this point, I think we would like to hear from the nominee. Mr. Suda, according to the rules of the committee, all witnesses at nomination hearings must give testimony under oath. So I ask that you come forward and raise your right hand.

Do you swear to tell the truth, the whole truth, and nothing but the truth in this proceeding, so help you God?

Mr. SUDA. I do.

Senator MATHIAS. If you will take a seat. Let me first ask you the questions that are traditional and necessary, although they sound rather formal and stilted, I'm afraid. Is there any reason, any personal reason, professional reason, or other reason that would in any way prevent you from fully and honorably discharging your responsibilities as a Judge in the Court?

TESTIMONY OF JOHN H. SUDA, NOMINEE TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. SUDA. There is none. I would fully discharge my duties and honorably discharge my duties as a judge of the Superior Court.

Senator MATHIAS. My next question is a more difficult question because none of us can look into the future. No one has a very useful crystal ball in which we can see what will happen.

But if you are confirmed by the Senate, would it be your intention to serve the full 15-year term for which you have been nominated?

Mr. SUDA. Yes; if I am confirmed by the Senate, it is my intention to go the full 15 years on the Superior Court of the District of Columbia.

Senator MATHIAS. I am happy to hear that, because I think continuity and stability in the administration of justice is one of the things that we seek. I think having been nominated—and I'm sure you will be confirmed—it is important that we have the benefit not only of your early years, but of your more experienced and mature years on the Court.

Have you ever been involved in civil litigation or administrative or legislative proceedings of any kind, either as plaintiff, defendant, respondent, witness, or a party in interest which is directly or indirectly related to the office for which you are nominated?

Mr. SUDA. None other than the two consent divorce actions on which I have given full information to your committee staff. There are no others.

Senator MATHIAS. Those, of course, are in the past.

Mr. SUDA. Yes.

Senator MATHIAS. So there is nothing active.

Mr. SUDA. No; there is not.

Senator MATHIAS. Have you or any member of your immediate family ever been involved in any controversy or litigation with the tax authorities of the Federal Government or the District of Columbia or any State or local government?

Mr. SUDA. No.

Senator MATHIAS. Is there anything of which you are aware in your background, either personal or professional, which might present a conflict of interest with the duties of the office for which you have been nominated?

Mr. SUDA. No; however, as acting corporation counsel, I represent the District of Columbia and have been with the Office of the Corporation Counsel for 21 years. I have proposed the manner in which, if confirmed by the Senate, I would resolve the potential for conflict which would arise there, and that is essentially avoiding cases involving the District of Columbia for a period of time.

Senator MATHIAS. So you would recuse yourself whenever the District of Columbia was a party?

Mr. SUDA. Yes; for a period of 1 year in the civil cases, and I would recuse myself in the District of Columbia criminal prosecutions—that is, those prosecutions prosecuted by my office—for anyone who was arrested while I was acting corporation counsel. So it's a twofold matter. Different for civil than for criminal.

Senator MATHIAS. You would make it a flat period of 1 year for civil cases?

Mr. SUDA. Yes.

Senator MATHIAS. And then however long it takes to purge the docket on the criminal cases?

Mr. SUDA. That's correct.

Senator MATHIAS. But you would not recuse yourself for someone who is arrested the day after you are confirmed as a judge?

Mr. SUDA. That's correct. I also would not recuse myself from anyone who is prosecuted by the U.S. attorney, since my office has had nothing to do with those prosecutions.

Senator MATHIAS. Would you tell the committee something about your background, your education, your employment experience, and point out what in that experience, in your opinion, qualifies you to sit as a judge on a superior court?

Mr. SUDA. Yes; first of all, I received my Bachelor's degree from Columbia University in 1961 and my LLB from Columbia University Law School in 1964. I have been litigating in all of the courts of the District of Columbia, including the Federal Courts, for 21 years. That is approximately or almost one-half of my life.

It all started in 1965 when I became an assistant corporation counsel. From 1965 to 1966, as an assistant corporation counsel, I was a trial attorney in what was then known as the law enforcement division, and I prosecuted misdemeanors.

In 1966, I was transferred to the civil division, and from 1966 to 1976, I was a trial attorney in the civil division. I handled cases ranging from attacks on the constitutionality of statutes, substantial injunctive relief lawsuits on the one end of the spectrum, and on the other end of the spectrum, tort—simple tort and contract

litigation. I had, during that period of time, numerous jury trials, nonjury trials, and countless appearances in, again, all of the courts of the District of Columbia.

Starting in 1976, I began to wend my way up the supervisory structure in the Office of the Corporation Counsel, which finally culminated in my becoming acting corporation counsel in August 1985. During all of the time that I was in various supervisory functions in both the civil division and then as principal deputy corporation counsel and finally as acting corporation counsel, I continued to handle cases in court on my own. I did this because I felt it was important to be relevant to what was going on in the courtroom. I also would have missed the courtroom had I not done this.

Therefore, from 1976-86, I have handled significant litigation in both the superior court, the DC Court of Appeals, and the U.S. District Court.

In addition to that, starting in August 1985 as the acting corporation counsel, I have had, as chief legal officer for the District of Columbia, to become involved in all of the legal matters that affect the District of Columbia Government, and that's inclusive of the judicial system in the District of Columbia.

Lastly, but certainly as important to me, I believe I have a reputation for maintaining a high degree of integrity. I believe I have a reputation gained with the bar and the bench for being fair to all people at all times. That's very important to me, and I think it should be a very important aspect of a judge.

Senator MATHIAS. How many cases do you suppose, on an average—and I'm just asking you to make a very rough guess—have you tried in the last few years?

Mr. SUDA. In the last few years—

Senator MATHIAS. An average for a year.

Mr. SUDA. An average for a year would be about five, but they would contain some rather significant litigation. For example, a year ago, a cable TV antitrust lawsuit was filed against the District of Columbia on the award that was made in the cable TV area. It was a substantial antitrust lawsuit which was handled in front of Judge Gesell, and I handled that matter on my own.

Other substantial litigation in recent years was a piece of litigation which concerned whether or not the District of Columbia had to follow in its wages that it paid to its employees exactly what the Federal Government was paying its employees. It was an issue which dealt with the interpretation of the Home Rule Act. It dealt specifically with the provision which—the “at least equal to” provision of the Home Rule Act.

It was the District's position that we did not have to accord our employees the identical salary that was being accorded Federal officials. In fact, at that time, what we were according District employees was less, slightly less. That was a case I argued on my own, and it was a case that took up a great deal of time.

Prior to that, prior to, let's say, 3 or 4 years ago, the volume of cases I would handle would be on the order of the following: I would maintain a caseload of about 100 cases. I would handle roughly 6 to 10 jury trials a year, which in the civil area in this jurisdiction is a heavy jury trial caseload.

In addition to that, the practice of civil litigation requires numerous motions, hearings, discovery hearings, and other matters which must be handled in court. That's the kind of practice that I have had.

Senator MATHIAS. I am very encouraged to hear that. I must say that I am discouraged by the fact that a number of judicial nominees that have come before the Senate in the last few years have had very little or almost no trial experience. It seems to me that that's an enormous handicap. For someone to preside successfully and impartially and fairly, one has to understand the dynamics of the courtroom, and the only way one can do that is to have been involved. So I welcome your extensive trial experience.

Mr. SUDA. Thank you.

Senator MATHIAS. In the course of that trial experience, you must not only have understood the dynamics of the courtroom proceeding, but you must have observed a number of judges and had ample opportunity to assess what is commonly called a judicial temperament.

Mr. SUDA. Yes.

Senator MATHIAS. And I'm wondering if you could define what, for you, judicial temperament should be?

Mr. SUDA. I believe that a judge should treat all persons—and that includes litigants, attorneys, jurors, witnesses—with dignity and fairness. Our judicial system depends upon respect for it.

I think a judge should avoid displays of emotion, particularly displays of anger and impatience. Those emotions can only be designed to instill fear.

Over the last 21 years as a trial attorney, on occasion, fortunately on rare occasion, I have been placed in fear by a judge. That has done me no good; that has done the judicial system no good; and most important of all, it has done the concept of respect, which our judicial system depends on, any good.

I would not run a courtroom, if confirmed by the Senate, on the basis of fear. I think a judge has to be a good listener. Once having listened to the side and having understood the matters in front of him, I think a judge then has the responsibility to make a reasonable, and most important of all, understandable decision. It is the reasonable and understandable decision and the treatment of people with dignity that leads to the respect that our judicial system depends on.

That is my concept of judicial temperament.

Senator MATHIAS. Well, I think that's a thoughtful definition and one with which I concur.

It was said of Lord Nelson, one of the distinguishing characteristics that made him a great leader was the time that he spent with young midshipmen, that he, almost more than any other leader of his time, devoted attention and interest and effort to the education of young members of his profession.

What is your feeling about the duty of a judge to educate younger members of the legal profession?

Mr. SUDA. I think a judge's role as an educator has, at least, two aspects to it, particularly for a court, a trial court like the Superior Court of the District of Columbia.

First of all, the Superior Court of the District of Columbia is a court of general jurisdiction which includes a panoply of matters over which it has jurisdiction. Because of this, a good many of the litigants are pro se. There are a good many people who appear in superior court for the first time and perhaps the only time in their lives. They may have already some fear of the judicial system, just as I would have a fear of what is unknown to me. I think they have a right to know what is going on and why it's going on.

I think that's the judge's obligation. I think it's an obligation that is very difficult sometimes to discharge, but I think it's an obligation that a judge must discharge.

In regard to attorneys, the same, it seems to me, is true. The judge has an obligation to point out to attorneys those questions that may have been missed that are crucial to the matter that is in front of him.

He also has the obligation to be sure that the attorneys are following the procedural rules. Sloppy practice on one side very frequently inures to the detriment of others. The question then becomes: How does the judge do this?

And again, in light of my answer on judicial temperament, I would say that a judge's function here is to guide, is to act as a guide, to point out those procedures that must be followed, to point out the crucial questions that have to be answered in order for the matter to be resolved correctly, and in general to guide an attorney if the attorney is not on the points that are correct or has failed to see some aspect of the law that is out there, to guide that attorney in that direction.

Now finally, I have to say that it is my belief that judges also should be subject to continuing education by lawyers. My experience of 21 years leads me to believe that trial judges do not have a monopoly on knowledge of the law, and so this educational process has got to be a two-way street. And when I said earlier that I believe that a judge should be a good listener, it was with the thought in mind that judges also have to maintain a current knowledge of the law, and hopefully in the process of handling matters with attorneys, there is an exchange there where both maintain a standard of excellence.

Senator MATHIAS. I would agree with that. I think also, as the old song says, it's not what you do; it's the way that you do it. And there are ways in which judges can be helpful.

Mr. SUDA. Yes, I agree.

Senator MATHIAS. Sometimes—and I have had this experience as a lawyer myself—judges can be very abrasive on the bench. They may be correcting, they may be right, and what they do may have an educational component, but it can be very abrasive for the counsel to go through that experience, particularly in a crowded courtroom with clients present, the jury present, public witnesses, and so forth. On the other hand, I've had the opposite experience, judges who were considerate and would call a bench conference or otherwise keep critical comments in some check.

And so I think it's not only the things that you have suggested, but also the way that program gets carried out. I think the point you make that it's a two-way street is an important one, because no judge, simply by virtue of his robe, knows everything. There are

new ideas and new concepts that have to be explored, and the arguments of counsel are one of the ways in which that continuing education is accomplished. So I would agree with that point in particular.

I am happy to see that Mrs. Suda has accompanied you to the hearing today, and I would like to extend a welcome to her. It is a great pleasure to have her with us today.

Is there anything else you would like to say this morning?

Mr. SUDA. No; I'm very honored by the nomination, and I hope the Senate confirms.

Senator MATHIAS. I would invite anyone in the room if they have any information with respect to this nomination to come forward at this time.

[No response.]

Senator MATHIAS. Seeing no one, I think that will conclude our examination.

Thank you very much.

Mr. SUDA. Thank you.

Senator MATHIAS. Good luck, and I hope you find your years on the bench to be satisfying and fulfilling.

Mr. SUDA. Thank you, Mr. Chairman.

Senator MATHIAS. There being no further business to come before the committee, the committee will stand in recess, subject to the call of the Chair.

[Whereupon, at 10:05 a.m., the committee recessed, to reconvene at the call of the Chair.]

